GOVERNMENT OF MYSORE

ORDER

Bangalore, dated the 3rd November 1972

S.O. 46.—Whereas before the Additional Industrial Tribunal, Bangalore a complaint was made under Section 33-A of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947), by Sri Sadashiva Donda, son of Donda, C/o 50-A, Arcot Srinivasachar Street, Bangalore-2A, against the Management of Ramkumar Mills (P) Ltd., Subramanyapura, Bangalore-11.

And whereas the said Additional Industrial Tribunal, Bangalore adjudicated upon the said complaint and submitted its award to the State Government as required under Section 15 read with Section 33-A of the said Act.

Now, therefore, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947) the Government of Mysore, hereby directs the publication of the said award in the **Mysore Gazette.**

[No. FCL 198 LLA 72.]

By Order and in the name of the Governor of Mysore,

ANIRUDHA DESAI,

Under Secretary to Government,

1142 Food, Civil Supplies and Labour Department.

BEFORE THE ADDITIONAL INDUSTRIAL TRIBUNAL, BANGALORE.

Dated this 4th day of October 1972.

Present

Sri K. N. Patil, LL.B., Presiding Officer.

Complaint No. 32 of 1971 in A.I.D. No. 30 of 1968.

Complainant :—

Sri Sadashiva Donda, son of Donda, C/o 50-A, Arcot Srinivasachar Street, Bangalore-2A.

Vs.

Opposite Party :—

The Management of Ramkumar Mills (P) Ltd., Subramanyapuram, Bangalore-11.

Appearances

For the Complainant—

Sri S. Surnarayana Rao, Bangalore.

For the Opposite Party—

Sri K. R. Raja Gopalan, Bangalore.

AWARD

This is a complaint filed under Section 33(A) of the Industrial Disputes Act. The complainant is a permanent employee with the Opposite party. He went on leave from 7th June 1971 for 15 days. After the expiry of the leave, there was strike in the Opposite party Mills and hence, the complainant could not report for duty. The strike commenced on 21st June 1971. The Government of Mysore prohibited the continuance of strike on 22nd October 1971 and referred the dispute for adjudication to the Tribunal and it is pending as I.D. No. 22 of 1971. The Complainant's Union called off the strike from 25th October 1971. The complainant went to report for duty on 25th October 1971. But the Opposite party did not take him on duty. The Opposite party has terminated the complainant's services during the pendency of proceedings in A.I.D. 30/1968 on the file of this Tribunal. The Opposite party did not obtain the approval of this Tribunal dismissing the complainant from service, as required under Section 33 (2) (b) of the Industrial Disputes Act. The Opposite party has violated the provisions of Section 33 of the Industrial Disputes Act. The Complainant prays for an Award, setting aside his termination from service and directing the Opposite party to reinstate him with back wages.

The Opposite party has filed the objection statement on 28th January 1972 and has raised these contentions : The Opposite party has not dismissed the complainant for mis-conduct. The Opposite party has not violated the provisions of Section 33 of the Industrial Disputes Act. The complainant was to return to duty on 23rd June 1971 and he did not do so. He lost his lien over his appointment under Standing Order No. 9(e). The case of the complainant is of the loss of lien and not a case of discharge or dismissal for mis-conduct. The complaint may be dismissed.

3. The complaint came on for hearing before the Tribunal a number of times. The complainant has filed a memo that he is not interested in the complaint and that it may be dismissed. Since the complainant does not press his complaint, it is accordingly dismissed. There shall be no order as to costs.

K. N. PATIL,
Presiding Officer,
Additional Industrial Tribunal, Bangalore.
Dated 4th October 1972.